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SENATE BILL 141

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Manny M. Aragon

AN ACT

RELATING TO CONSTRUCTION INDUSTRIES; AMENDING THE CONSTRUCTION  
INDUSTRIES LICENSING ACT TO INCREASE THE PENALTY FEE FOR  
FAILURE TO DISCLOSE CERTAIN INFORMATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 60-13-19 NMSA 1978 (being Laws 1978,  
Chapter 78, Section 1, as amended) is amended to read:

"60-13-19. DIVISION-- EVIDENCE OF POSSESSION-- PENALTY. --

A. The licensee shall exhibit satisfactory evidence  
of the possession of a license on demand and shall clearly  
indicate his contractor's license number on all written bids  
and when applying for a building permit. [~~Before work is  
commenced, a contract is signed or funds are paid for any  
residential contracting, the contractor shall disclose in  
writing to the owner that the license issued under the~~

underscored material = new  
[bracketed material] = delete

1 ~~Construction Industries Licensing Act does not protect the~~  
2 ~~consumer if the contractor defaults.]~~

3 B. ~~[Any]~~ A contractor who fails to indicate his  
4 contractor's license number clearly on all written bids and  
5 when applying for a building permit ~~[or who fails to make the~~  
6 ~~disclosure statement required under this section]~~ shall be  
7 assessed by the division a penalty fee of one hundred fifty  
8 dollars (\$150). The fee shall be payable to the code  
9 jurisdiction or political subdivision ~~[which]~~ that issued the  
10 permit or in which the work for which the bid is submitted is  
11 or would be permitted.

12 C. Before work is commenced, a contract is signed  
13 or funds are paid for residential contracting, the contractor  
14 shall disclose in writing to the owner, on a form approved by  
15 the division, that the license issued and the bond or other  
16 proof of responsibility required pursuant to the Construction  
17 Industries Licensing Act does not protect the owner if the  
18 contractor defaults. A contractor who fails to make the  
19 disclosure required by this subsection shall be assessed a  
20 penalty fee by the division in an amount not less than five  
21 hundred dollars (\$500) or more than one thousand five hundred  
22 dollars (\$1,500) as determined by the division. The penalty  
23 fee shall be payable to the division."

24 Section 2. EFFECTIVE DATE. --The effective date of the  
25 provisions of this act is July 1, 2003.

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